

REMARKS

Applicants acknowledge with appreciation the allowance of solid electrolyte Claim 1; battery Claims 4, 5, 9, and 10; and method Claim 7. Also, the withdrawal of the previously stated rejection of Claims 2 and 3 is noted.

Reconsideration of presently solicited method Claims 2 and 3 respectfully is requested following the newly presented rejection of these claims. These Claims 2 and 3, particularly as amended herein, are urged to also be in condition for allowance.

The continued rejection of Claims 2 and 3 under 35 U.S.C. §103 (a) in view of the different teachings of U.S. Patent No. 6,770,176 to Benson et al. would be inappropriate. In an effort to expedite prosecution reference to "Li₃PO₄" has been deleted from dependent Claim 2. Since Claim 3 is further dependent upon Claim 2, reference to "Li₃PO₄" also is being deleted from the contents of Claim 3. Accordingly, the reasoning expressed at Page 2 is not applicable for a number of reasons, including that expressed hereinafter. In no instance does Benson et al. teach the formation of a solid electrolyte wherein Li₂O, SiO₂ and at least one of Nb₂O₅, Ta₂O₅, and WO₃ are chosen as the essential sputtering targets, and Benson et al. never contemplates the formation of a solid electrolyte having the formula specified in Applicants' Claim 1 from which Claim 2 depends.

It is basic to the examination process that in order to establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. See M.P.E.P. §2143.03 in this regard. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580

(CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970).


The withdrawal of the sole remaining rejection is urged to be in order and is respectfully requested.

If there is any remaining point that requires clarification prior to the allowance of the Application, the Examiner is urged to telephone the undersigned attorney so that the matter can be discussed and resolved.

Respectfully submitted,

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